



“The City With a Heart”

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Irene O’Connell, Councilmember
Chris Pallas, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

August 9, 2005

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on August 9, 2005 at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Recording by City Clerk Simon and Presiding was Mayor Franzella with Council members Ruane, Pallas, Ibarra, and O’Connell in attendance. Chief of Police Violett led the PLEDGE OF ALLEGIANCE.

Mayor Franzella introduced Interim City Attorney **Karen Murphy** who was filling in for City Attorney Thompson at tonight’s meeting.

Mayor Franzella acknowledged San Mateo Union High School District Superintendent Sam Johnson who introduced the new **Capuchino High School Principal Ed Marquez**.

Mr. Marquez addressed the City Council. He has spent the last 12 years in the Sacramento area and is thrilled to be here on the Peninsula. He believes Capuchino High School has very demanding programs and San Bruno has a “real jewel” with this High School. He invited the City of San Bruno to be a partner with Capuchino High School.

Mayor Franzella welcomed Mr. Marquez and stated the City has always had a great working relationship with Capuchino and the High School District and we all want to see it continue to grow.

PRESENTATIONS:

Report on the 2005 Sister City Delegation **visit to Narita, Japan**.

Mayor Franzella introduced Mr. Case who showed slides of the trip, which included City Officials and students from Parkside Middle School. This was the 15-year anniversary of the Sister City relationship and City Manager Jackson and CATV Director Gyaltsen helped make this visit a special event. The following Parkside students made comments:

Jason Gomez loved every minute of the trip. He made bonds and friendships and this was an opportunity of a lifetime.

Walter Shavling said it was important to see how students are different and similar. He loved the trip and thanked the City Council for their support of the student exchange program.

Millie Peponis said she loved her host family who gave her kimonos and took her to many great places.

Valerie Ferrari said the best part was the visit to Tokyo at night and the Mountains during the day. She was given a kimono with matching shoes. She will never forget this trip.

Grace Latrail said the best part was to experience her own culture since she is half Japanese.

Gina (no last name given) said the trip to Japan was amazing and the culture experience was great.

Linda Morihato the adult chaperon, said she has participated in the student exchange for the last five years and hopes the program continues. This partnership is the students, City, Schools, and the Community. She thanked Parks and Recreations Services Director Larry Mazzuca for the countless hours of work assisting with the visitors from Japan. Over 80 host families in San Bruno have opened up their homes. Over 100 students have participated and she thanked the City Council for their support.

City Manager Jackson said having the opportunity to participate; she wanted to reinforce how amazing the program is. The real value in the program is the inter-cultural experience, awareness, and international sharing. She is very proud of how the students represented our San Bruno community and many gave full speeches in Japanese.

Mayor Franzella said this program is one of the many jewels of San Bruno and thanked all the participants.

2. REVIEW OF AGENDA: No changes were made.

3. APPROVAL OF MINUTES: The regular City Council meeting minutes of July 26, 2005, was approved as submitted.

4. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

a. Approve: Payroll of July 29, 2005.

b. Approve: Accounts Payable of July 4 and 11, 2005, (Council packets only, copy is available for review at the City Clerk's office).

M/S Ibarra/Ruane to approve the consent calendar and passed by unanimous vote.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed.)

- a.** Hold Public Hearing, for an appeal of a Planning Commission decision to approve use permit 05-13 and minor modification permit 05-06 to allow a 734 sq. ft. **addition to property located at 468 Chestnut Avenue**, which proposes a .68 floor area ratio and 46% lot coverage, pursuant to section 12.200.030.B.2 and 12.120.010A.1 of the San Bruno Zoning Ordinance and adopt resolution approving use permit with revisions to the project. Public Hearing continued from the July 26, 2005, Council Meeting.

Senior Planner Aaron Aknin gave the staff report and reviewed the revisions made by the applicant since the July 26, 2005 meeting. There has been 120 square feet of reduction from 734 to 613 or 16.5%. The house would be 2700 square feet after the addition was completed.

Mayor Franzella opened the Public Hearing and requested the applicant address the Council.

Salti Ibrahim of Chestnut Avenue (Owner) said he is an 18-year resident and everyone from the Council came by his house to see what the addition would look like. He has done everything possible to make the neighbors happy. This addition will not decrease the value of the surrounding properties. The Council has asked for more changes and he has again agreed to reduce the addition. He has followed all the rules of the City of San Bruno and tried to be a good neighbor. He forgives his neighbors for trying to harm him.

Randolph Sieg of Chestnut Avenue (appellant) said it has been a long road to get where we are now. While he appreciates the adjustments made to reduce the impact of the addition, he still does not believe the adjustments are satisfactory. This project will diminish our views, decrease the green belt, and cause an aesthetic imbalance for the neighborhood.

Bernadine Fainesi of Chestnut Avenue said she has lived here for fifty years. The modifications of the plans are still similar to the last five meetings she has attended. Two feet off one side and the two feet off the roofline only gives her a “peek a boo” view. The City should have a view ordinance to protect its citizens. This will not be the last protest on view rights.

Harold Green of Chestnut Avenue said his back wall is 54 feet from the rear property line. His backyard is in deep shadows and the sun will no longer shine on his property or the neighbors to the North. Plants will not grow without sun. There was a house addition recently built on the corner of Niles and Chestnut and the neighbor no longer has sun.

Bobbie Reid of Chestnut Avenue said an addition of 12 feet would make dark shadows, so shade and sunlight are an issue. Picture slides were given to Planner Aknin to show the public these impacts.

Andrew Zarri of Beech Avenue said he represents 465, 463, and 467 Beach Avenue neighbors and this addition will reduce sunlight and circulation and is opposed to it.

George Reed of Chestnut Avenue said the main investment we have is our homes. The view counts for 5 to 10 percent of the value of the home. This addition will obstruct the view from 470 Chestnut Avenue. They should build on the first level only.

Rose Urbach of Euclid Avenue said no neighbor should do anything to his or her property that takes away the sun.

Gary Smurthwaite of Chestnut Avenue said people must be considerate of each other. They should not encroach on another’s view. If each person on the street below went higher everyone must go higher to keep his or her view. The Council is setting a precedent if they approve and there will be more requests.

Ed Ibrahim of Chestnut Avenue said the applicant is within his rights to improve his property. Nothing is pleasing the neighbors no matter how hard we try.

M/S Pallas/Ruane to close the Public Hearing and passed by unanimous vote.

Vice Mayor Ruane said it is unfortunate that this has evolved into a personal situation, and no matter what the decision, not everyone will be happy. The fact is, good or bad, we are dealing with the reality that people can no longer afford to move to a larger home and must add on. Within reason, an individual should be able to improve his property. The applicant has made concessions and we need to look hard into the future, what we will do with views, but this applicant should not be the starting point.

Councilmember Ibarra said no one likes second stories and changes. Even developing a vacant lot can shock a neighborhood. This family is attempting to improve their property. No one is losing the view they have straight ahead. We have 100-year-old homes mixed in with 1-year-old homes and that is the character of our City. He cannot see how this project can be denied.

Councilmember Pallas said he visited the property and does not believe the price of homes in the area will be affected. There is home expansion all over the City and some views will be gone in the process. Children are staying at home more now days thus requiring house additions.

Councilmember O’Connell thanked all the public members for their comments tonight. There has been modifications made and she would like to deny the appeal.

Councilmember O’Connell introduced the resolution approving the use permit with a roll call vote taken of all Ayes.

- b. Hold Public Hearing and waive first reading of an ordinance approving a **Third Amendment to the Development Agreement between the City of San Bruno and Martin/Regis San Bruno Associates L.P.** for development of the Crossing/San Bruno Project related the El Camino Real Commercial Project. Introduction and roll call vote.

Adopt resolution approving an **Addendum to the US Navy Site and Its Environs Specific Plan EIR and amending the Specific Plan** to include the ECR Commercial Overlay Land Use Designation to allow development of the El Camino Real Commercial Project. Introduction and roll call vote.

Adopt resolution approving and authorizing execution of a **Fourth Amendment to Development Agreement with Martin/Regis San Bruno Associates, L.P., The Crossing Apartment Associates I LLC, and The Crossing Apartment Associates II LLC.** Introduction and roll call vote.

Housing and Redevelopment Manager Sullivan gave the staff report. This amendment will not affect the plans for the hotel. The Planning Commission was concerned if the hotel site is kept vacant it should be landscaped and not just become a vacant lot.

Councilmember Ibarra asked about the development impact fee and will it be shifted to the El Camino Real Commercial Development Project? City Manager Jackson replied the fee is fixed. With the new land use, the \$300,000 is being divided into two different parcels. The future hotel property owner would have only a \$200,000 obligation.

Councilmember O’Connell said she has concerns about the parking for the new restaurant and the term shared parking. Is there enough off site parking? Where would the parking be if not on the hotel site? Mr. Sullivan replied that in order to give the developer flexibility there was not a designated location at this time.

Mayor Franzella said when the proposal for a restaurant comes forward; the Council would have to approve any agreement for shared parking.

Councilmember Ibarra said the staff reports noted that there were 30 parking spaces on site, which have not been designated for any use, is this overflow?

Mayor Franzella called for a five-minute recess while staff investigated the parking requirements. **Mayor Franzella** reconvened the City Council meeting and requested a report from the City Manager.

City Manager Jackson reported that the required parking must be provided on site. A parking exception can be obtained with an application to the Planning Commission. A major restaurant with a proven track record drawing from the region may exceed our Zoning Ordinance requirements.

Councilmember O’Connell said the report talks about shielding the trash and recycling containers from view of El Camino but this should also include Admiral Drive.

Councilmember Ibarra said at this time we don’t even know which way the buildings will face.

Councilmember Pallas said if the other property owners do not to allow parking there could be a problem and there should be adequate parking before any approval is given to this developer.

City Manager Jackson gave the report on the Fourth Amendment to the Development Agreement. The purpose is for residential housing on parcels 3 and 4. The 15% affordability requirement has more than been satisfied with the KDF Senior Units on parcels 5 and 6 and the developer is requesting relief from this requirement and payment of fees on “for sale units”. Staff has also requested the number of trees needed (836) and a fee to plant trees not being replaced (\$500 per tree) in the community is included in the agreement. The City is to share 40% of all grants received because of units developed on the Crossings site. The City would have been required to spend 100% of grant funds on the project and not somewhere else. We are amending this agreement to eventually eliminate this requirement. Permitting assignment of ownership to new owner is not in the best interest since assignments may be made to non-profit entities and reduces the tax increments. We would restrict parcels 3, 4,7,8, 9, and 10, so non-profits could not own them.

Mayor Franzella opened the Public Hearing and no one wished to make comments.

M/S Ruane/Pallas to close the Public Hearing and passed with a unanimous vote.

Vice Mayor Ruane asked the developer where is our hotel and fine dinning restaurant?

TMG Partners replied that the changes tonight would allow the retail to be completed. We have 21 restaurants that have been contacted and at least eleven have shown interest. It will be a year before the restaurant opens. The hotel market is starting to come back but still 30 to 40 percent below what it takes to open a new hotel. In three years the market should be strong enough.

Mayor Franzella asked about landscaping and a way to shield the hotel lot in the meantime.

TMG Partners said as the retail comes forward this would be addressed. In the meantime we will need somewhere to set up construction staging.

Councilmember Ibarra said he loves to see the progress and with the restaurant on line this will be the hot spot on the Peninsula. What is the concern of the fine dinning restaurants as far as parking?

TMG Partners said the ordinance requires 96 to 99 parking places and the successful restaurants want at least 125 parking places or alternative parking.

Councilmember Pallas said he is disappointed in the whole project. The voters approved the change in the height limit because of the promise of a hotel. We should not be sharing grant funds and the selling of the senior housing units to non-profit organizations will cost us money. Are we going to make any money on this project?

City Manager Jackson said the project has a substantial positive opportunity to generate funds. The retail will generate sales tax and hotel will provide Transient Occupancy TAX (TOT) tax.

Councilmember Ibarra said if redevelopment had been approved 10 years prior, we would have the hotel. This City has done the best it could with this site and nothing else would have been better for this location. We are generating tax increment and he is willing to wait for the hotel.

Councilmember Pallas asked how much have we made so far?

Mayor Franzella said we are only on the amendments to the agreement and the question is not appropriate.

Councilmember Ibarra introduced the resolution to amend the requirement of the EIR with a roll call vote of Ayes Ibarra, Ruane, Franzella, and O'Connell and No Pallas.

M/S Ibarra/Ruane to waive the first reading of the ordinance approving a Third Amendment to the Development Agreement and passed with a unanimous vote.

Councilmember Ibarra introduced the ordinance for adoption with a roll call vote of Ayes, Ibarra, Franzella, Ruane, and O'Connell and No Pallas.

Councilmember Ibarra introduced the resolution to approve the Fourth Amendment to the Development Agreement with a roll call vote of Ayes, Ibarra, Franzella, Ruane, and O'Connell and No Pallas.

- c. Hold Public Hearing and adopt resolution ordering amendment to the Classification Plan and Salary Schedule by adopting Position Descriptions and Salary Ranges for **Information and Referral Program Coordinator, Nutrition Program Manager, Plan Check Engineer, and Senior Building Inspector.**

Councilmember Ibarra said the job description for the Plan Check Engineer states that certification is not required prior to hire and what is responsible experience?

City Manager Jackson said a person could be hired and has one year to become certified. Applicants are given a very thorough background check and what decision authority the individual has in their expertise and what types of reviews have been complete will determine responsible experience.

Mayor Franzella opened the Public Hearing and no one wished to address the Council.

M/S Ruane/Pallas to close the Public Hearing and passed by unanimous vote.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

6. UNFINISHED BUSINESS: None

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:

- a. Adopt resolution authorizing the City Manager to execute a contract with Trinet Construction for the **Whitman Way/Shelter Creek Storm Drain Repair Project** in the amount of \$67,580,

subject to the execution of a Settlement Agreement and a Right-of-Entry Agreement with Shelter Creek Condominiums Homeowners Association; and appropriating a project expenditure of \$89,380, from the Storm Water Enterprise Fund Capital Reserve.

Public Works Director Munns gave the staff report and presented overheads with site drainage on the project. There is a 12” pipe to be replaced as soon as a settlement agreement is reached with the Home Owners Association of Shelter Creek.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- b.** Adopt resolution authorizing the City Manager to execute a Construction Contract Change Order to the Well 15 Rehabilitation Project to include additional **rehabilitation work at Well 18** in the amount of \$47,638, for a revised total contract amount of \$101,127, and authorizing a construction contingency of \$7,146.

Public Works Director Munns gave the staff report and stated this is a change order to the contract, which was approved at the last City Council meeting.

Councilmember Pallas asked which well was just put back on line?

Director Munns replied Well No. 16 has been restored and is at 505 GPM.

Councilmember Pallas said you have done a great job and please do the same for this well.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

8. COMMUNICATIONS:

- a. Approve:** Voting representative and an alternate for the Annual Business Meeting of the League of California Cities.

M/S Ibarra/Pallas to appoint Councilmember O’Connell as the only representative to the League’s Annual Business Meeting and passed with a unanimous vote.

9. STAFF REPORTS:

- a.** Adopt resolution authorizing the City Manager to execute a Memorandum of Understanding between the Bay Area Rapid Transit District and the City of San Bruno for **Intersection Improvements at El Camino Real and Sneath Lane** in connection with the BART-to-SFO Airport Extension.

Alan Lubke of Fleetwood Drive said he has been writing the City letters for two years to have a sign installed on San Bruno Avenue pointing to our BART station. The current sign is on San Mateo Avenue.

Councilmember Pallas said what happens if they close the BART station?

Mayor Franzella clarified that only reduction of weekend service is being discussed at this time.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- b. Adopt resolution-approving amendment to the Lease/Purchase Agreement with GE Capital Public Finance, Inc. to fund the completion of the **City Hall Remodel and Update Project**.

Mayor Franzella clarified this resolution is regarding the original remodel contract which was for \$675,000 and increased to \$1,200,000. This amount is being added to the 7-year lease and will enable us to replenish the Capital Improvement Budget to do other projects.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Alan Lubke of Fleetwood Drive thanked the Council for intervening and he has received a reply to his request to the Chief of Police. The issued is closed. He has also received information regarding arrest made around the fourth of July.

Rose Urbach Euclid Avenue said the tall buildings at the Navy Site are a hazard to low flying aircraft. The aircraft noise windows do not cut out all the noise. Traffic on El Camino Real will increase and that is not fair. She is holding the Mayor and City Council responsible.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

- a. Adopt resolution approving by-laws and mission statement for the new **Redevelopment Agency Citizens Advisory Committee**.

Mark Sullivan, Housing and Redevelopment Manager gave the staff report. The new committee will sit at the discretion of the City Council and has advisory duties only.

Councilmember Ibarra asked if the new committee would be reviewing the projects proposed in the Redevelopment Area? Mr. Sullivan replied yes, they would be providing feed back to the Council.

Vice Chair Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- b. Beautification Task Force Committee (O'Connell) provided update on the 2005 Ninth Annual City of San Bruno **Beautification Awards Program**. Deadline for submittal of nomination forms is Friday, August 19, 2005 at 5:00 p.m. Awards will be given on October 11, 2005.

13. NEW BUSINESS:

Councilmember Pallas asked what is happening with the former Wells Fargo Site?

City Manager Jackson replied that we need to resolve the definition of stories and lofts and a new ordinance will be introduced at the next Council meeting. The developer has 180 days from the adoption of this ordinance to enter into a Development Agreement.

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Councilmember Pallas said we should not sell this site for less than \$500,000, which had previously been offered.

Mayor Franzella announced that the San Mateo Community College District has requested a joint session with the San Bruno City Council on October 11, 2005. The purpose would be to review the improvements at Skyline College and share ideas. The meeting would be 4:30 p.m. to 6:00 p.m.

There was concurrence to schedule the meeting.

Mayor Franzella announced that City Officials from Narita, Japan would be present at the September 27, 2005 City Council meeting. Tomorrow at 2:00 p.m., the Samtrans Board of Directors would be holding a meeting at its San Carlos office to discuss the possible weekend closing of BART at South San Francisco and San Bruno stations. The public is invited to attend.

Closed Session regarding:

a. Labor negotiations with all of the City bargaining units. (Gov't Code Section 54957.1(a)(6).)

There was no reportable action taken.

14. ADJOURNMENT: With no further action needed, meeting adjourned at 10:00 p.m. The August 23, 2005, City Council meeting has been canceled. The next regular City Council meeting will be, Tuesday, September 13, 2005, 7:00 p.m., at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval
At the regular City Council meeting
Of September 13, 2005**

Ed Simon, City Clerk

Larry Franzella, Mayor